

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ESTATE OF JUSTIN PAUL SMITH BY CHRISTINA A. SMITH, <i>INDIVIDUALLY AND AS WIFE AND AS CO- ADMINISTRATRIX</i>; <b>GIANNA SMITH, INDIVIDUALLY AND AS DAUGHTER AND CO-ADMINISTRATRIX &amp; LISA GAVIN, ON BEHALF OF HER MINOR SON JUSTIN SMITH</b> <b>v.</b>  <b>CITY OF PHILADELPHIA &amp; OFFICER KURT MCKEE</b></b>	<b>CIVIL ACTION</b>  <b>NO. 21-4395</b>
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**ORDER**

**AND NOW**, this 20<sup>th</sup> day of January, 2022, it is hereby **ORDERED** that Defendants' Motion to Dismiss (ECF 2) is **DENIED** as **MOOT** because Plaintiff filed an Amended Complaint on October 26, 2021 (ECF 6).

**BY THE COURT:**

/s/ **MICHAEL M. BAYLSON**

**MICHAEL M. BAYLSON, U.S.D.J.**